

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 07-CR-20546

vs.

HON. GEORGE CARAM STEEH

D-1 JOSEPH COSTA PACHECO III,

Defendant.

ORDER DENYING DEFENDANT'S REQUEST FOR AN
ADJOURNMENT OF TRIAL DATE

On this date the court conducted a brief telephone conference with standby defense counsel, Mr. Seymour Berger, and AUSA Louis P. Gabel. Mr. Berger requests that the court consider a further adjournment of the trial, now scheduled for August 31, 2009. Mr. Berger indicated that his investigator had attempted phone interviews with approximately two dozen bank employees as potential witnesses by calling them at their workplace. Most declined to be interviewed. Defendant's investigator opines that a better response may occur if potential witnesses are called at home, and the government provided those numbers to defendant's investigator last Friday, August 14, 2009. Mr. Berger explained that he was concerned his investigator would be unable to complete her attempts to interview these witnesses before trial. The government opposes the request.

The court is persuaded that the request to adjourn trial should be denied. There remains ample time for an investigation to telephone the witnesses, of whom only a handful appear likely to possess relevant information. Accordingly, defendant's request is hereby DENIED.

IT IS SO ORDERED.

Dated: August 17, 2009

s/George Caram Steeh

GEORGE CARAM STEEH

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
August 17, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee

Deputy Clerk